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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,981	10/15/2001	Raymond Anthony Joao	RJ220	4403

7590 03/17/2008  
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EXAMINER
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SHEIKH, ASFAND M

ART UNIT	PAPER NUMBER
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3627

MAIL DATE	DELIVERY MODE
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03/17/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/977,981	<b>Applicant(s)</b> JOAO, RAYMOND ANTHONY	
	<b>Examiner</b> Asfand M. Sheikh	<b>Art Unit</b> 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 41-50,52,53,56,58 and 59 is/are pending in the application.
- 4a) Of the above claim(s) 51,54,57 and 60 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 41-50,52,53,56,58 and 59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/7/2008 has been entered.

**DETAILED ACTION**

The amendment filed on 1/7/2008 has been entered. Claims 41-50, 52-53, 56, and 58-59 are pending for examination.

The examiner maintains the same grounds of rejection therefore in light of the amendments. This action is made non-final.

***Response to Arguments***

Applicant's arguments filed 1/7/2007 have been fully considered but they are not persuasive.

The applicant argues that neither Gebb nor Austin American Statesman discloses the claimed invention, more specifically "processing the recited information regarding a ticket request or a ticket option request for at least one of a ticket for a portion of an event which remains after a start of the event and before a completion or a conclusion of the event and a ticket option for a portion of an event which remains after a start of the event and before a completion or a conclusion of the event with the recited processing device" and "generating at least one of a ticket availability message and a ticket option availability message with the processing device, and transmitting the at least one of a ticket availability message and a ticket Option availability message to a communication device associated with or used by the second individual or a third individual" and "transmitting the recited at least one of a ticket availability message and a ticket option availability message to the recited communication device associated with or used by the second individual or a third individual." The examiner respectively disagrees.

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The examiner notes that Gebb teaches processing the information regarding a ticket request or a ticket option request with a processing device (see at least, col. 2, lines 11-28: the examiner notes accepting tickets from individual sellers and posting the tickets on a central database and col. 7, lines 27-41: verification process of a ticket and event information(s)) and generating at least one of a ticket availability message and a ticket option availability message with the processing device (see at least, col. 8 lines 3-7: the examiner notes the tickets are posted on a website) and transmitting the at least one of a ticket availability message and a ticket option availability message to a communication device associated with or used by the second individual or a third individual (see at least, col. 8 lines 3-7: the examiner notes the posting of the availability of tickets on the network is interpreted as the transmitting of the message). The examiner notes that Gebb fails to disclose the a ticket for a portion of an event which remains after a start of the event and before a completion or a conclusion of the event and a ticket option for a portion of an event which remains after a start of the event and before a completion or a conclusion of the event. Thus the examiner sought to combine Austin American Statesman to disclose the a ticket for a portion of an event which remains

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after a start of the event and before a completion or a conclusion of the event and a ticket option for a portion of an event which remains after a start of the event and before a completion or a conclusion of the event (see at least, four or five day passes (interpreted as tickets) with a day or two not used (interpreted as an event which remains after a start of the event and before completion or a conclusion of the event) which are sold to second individuals or third individuals). The examiner notes that elements from Gebb for processing, generating a message, and transmitting a message for a available ticket exist at the time the invention was made. Further the examiner notes the elements from Austin American Statesman for selling a ticket for vent which remains after a start of the event and before completion or a conclusion of the event. The examiner notes the modification of Gebb's already existing ticket system with Austin American Statemans's selling a ticket for vent which remains after a start of the event and before completion or a conclusion of the event could be combinable by one of ordinary skill in the art in order to combine existing elements in the known art to in a predictable and combinable manner to read on the claimed invention. The examiner has further provided the motivation of maximizing the use of a ticket to avoid waste of the event. The examiner notes that

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under the broadest reasonable interpretation was taken in light of the references in order to come to this conclusion of what one of ordinary skill in the art at the time the invention was made would be motivated to do. The examiner does not find the arguments persuasive and therefore maintains the same rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 41-50, 52-53, 56, and 58-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gebb in view of Austin American Statesman.

Gebb discloses entering or receiving information regarding a ticket request or a ticket option request for at least one of a ticket for a portion of an event (Gebb buyer input device 20 causes information to be entered re ticket request), processing the information regarding a ticket request or a ticket option

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request with a processing device (ticket system 30 processes the ticket request); generating at least one of a ticket availability message and a ticket option availability message with the processing device (system 30 posts tickets available for resale col. 8 lines 3-7); and transmitting the at least one of a ticket availability message and a ticket option availability message to a communication device associated with or used by the second individual or a third individual (the posting of the availability of tickets by the system 30 on the network is read as the transmitting of the message).

However, Gebb does not disclose selling a ticket for portion of an event which remains after a start of the event and before a completion or a conclusion of the event and a ticket option for a portion of an event which remains after a start of the event and before a completion or a conclusion of the event and wherein the ticket for a portion of the event is derived from a ticket for an entire event, wherein the ticket for the entire event is purchased from a ticket issuer by a first individual having a ticket account, and further wherein the ticket for a portion of the event is purchased by or used by a second individual during the event and before the completion or conclusion of the event with a payment for use of the ticket for



a portion of the event being made to the ticket account of the first individual.

But, Austin American Statesman discloses selling a ticket for portion of an event which remains after a start of the event and before a completion or a conclusion of the event and a ticket option for a portion of an event which remains after a start of the event and before a completion or a conclusion of the event and wherein the ticket for a portion of the event is derived from a ticket for an entire event, wherein the ticket for the entire event is purchased from a ticket issuer by a first individual, and further wherein the ticket for a portion of the event is purchased by or used by a second individual during the event and before the completion or conclusion of the event with a payment for use of the ticket for a portion of the event being made to the first individual (four or five day passes with a day or two not used which are sold to second individuals).

It would be an obvious modification to Gebb to provide an value of the unused portion of the tickets sold by the system 30 and use the system to resell the unused tickets to second individuals as taught by Austin American Statesman, the motivation being the promotion of maximizing the use of a ticket to avoid waste.

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Re Claim 42: Gebb discloses an input device 20 which receives the posting of available tickets and thus receives a response to the at least one of a ticket availability message and a ticket option availability message, wherein the response is transmitted from the communication device. The ticket server 60 processes the transaction regarding a purchase of the at least one of a ticket for a portion of an event which remains after a start of the event and before a completion or a conclusion of the event and a ticket option for a portion of an event which remains after a start of the event and before a completion or a conclusion of the event. The motivation for combining is herein repeated.

Re Claim 43: Gebb discloses a network device 40 transmitting information regarding the at least one of a ticket for a portion of an event which remains after a start of the event and before a completion or a conclusion of the event and a ticket option for a portion of an event which remains after a start of the event and before a completion or a conclusion of the event to the communication device (col. 8 line 60); and at least one of printing via a printer the at least one of a ticket for a portion of an event which remains after a start of the

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event and before a completion or a conclusion of the event and a ticket option for a portion of an event which remains after a start of the event and before a completion or a conclusion of the event and displaying via a display device information regarding the at least one of a ticket for a portion of an event which remains after a start of the event and before a completion or a conclusion of the event and a ticket option for a portion of an event which remains after a start of the event and before a completion or a conclusion of the event (kiosk prints ticket col. 8, line 63).

Re claim 44: Gebb discloses payment database 116 effectuating a payment to an account associated with a seller of the ticket or the ticket option and effectuating a withdrawal from an account associated with the individual.

Re Claim 45: Gebb discloses a ticket.

Re claim 46: Gebb discloses ticket as alternatively "the right to sell an event ticket col.3 lines 33,34 which is an option.

Re claims 47, 48, and 49: OFFICIAL NOTICE is taken of the use of the Internet and the World Wide Web to effect communication and the use of a wireless device or a wireless telephone or PDA to communicate. The motivation for this analysis is the ease of data access using portable devices.

Re claim 50: Gebb discloses a kiosk col. 8, line 63.

Re claim 52: the teaching of Austin American Statesman of using an unused four to five day pass to participate in the event (inherently performed during the event). The motivation is herein repeated.

Re claim 53: Gebb discloses the second individual or the third individual being located at will call which is at the venue of the event (Col. 8 line 55)

Re claim 56: OFFICIAL NOTICE is taken regarding the practice of upgrading during the event e.g. airline seats often are upgraded during flight when unused upgraded seats are present. The motivation for this the prevention of loss of unused assets.

Re Claim 58: the teaching of Austin American Statesman of using an unused four to five day pass to participate in the event (inherently performed during the event). The motivation is herein repeated. OFFICIAL NOTICE is taken of the use of the Internet and the World Wide Web to effect communication and the use of a wireless device or a wireless telephone or PDA to communicate. The motivation for this analysis is the ease of data access using portable devices.

Re Claim 59: the teaching of Austin American Statesman of using an unused four to five day pass to participate in the event (inherently performed during the event). Gebb discloses a kiosk col. 8, line 63.

***Official Notice***

The examiner notes the applicant has not traversed the official notice's taken with the previous action mailed on 21-Nov-2006. Therefore the official notices of claims 47, 48, 49, 56, and 58 are made of record.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asfand M. Sheikh whose telephone number is (571)272-1466. The examiner can normally be reached on M-F 8a-4:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan M. Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. Ryan Zeender/  
Supervisory Patent Examiner, Art Unit  
3627

Asfand M Sheikh  
Examiner  
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February 29, 2008